



TOWN OF DAVIE
PLANNING & ZONING DIVISION
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MEMORANDUM

TO: Planning and Zoning Board

FROM: David Quigley, Planning & Zoning Manager (954-797-1075)

DATE: December 3, 2014

SUBJECT: ZBTXT14-323, Textile Recycling Ordinance

BACKGROUND

For many years the Town has supported local charitable organizations by way of an "Endowment Fund". Under current fiscal constraints, the Endowment Fund cannot be sustained for more than a year or two. In June of this year, the Town issued a Request For Proposals for a textile recycling franchise, with the aim of creating a funding source to continually replenish the Endowment Fund. The Town Council later selected a proposal which would involve a franchise agreement between the Town and, FLSC, LLC. The agreement would allow FLSC to operate as the exclusive operator of Textile Recycling Collection Bins, with the Town receiving a portion of the profit and the ability to regulate certain aspects of the collection operations.

There is currently no provision in the Town Code that specifically addresses clothing donation bins. The proposed ordinance would work in concert with a franchise agreement and addresses specific aspects of bin placement and use to protect the public health, safety and welfare. The proposed ordinance would also require the eventual removal of all other bins and textile recycling operations that are inconsistent with the Code provisions. The proposed ordinance does not affect other forms of textile recycling, such as door-to-door collection pick-up services.

RECOMMENDATION

Staff recommends that the Planning and Zoning Board find the proposed ordinance consistent with the Town's Comprehensive Plan and make such recommendation to the Town Council.

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE, BY CREATING SECTION 12-33(KK), TEXTILE RECYCLING, TEXTILE RECYCLING COLLECTION BINS; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the Town of Davie is authorized to protect the public health, safety and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Unlike other recyclables, such as bottles, cans and paper, textiles have not typically been collected through regularly scheduled household pick-ups but instead have been collected through donations to thrift stores (both for-profit and not-for-profit) or to charitable organizations, often by way of unsupervised textile recycling collection bins placed throughout the community. If not properly regulated, textile recycling operations and textile recycling collection bins can conflict with parking, traffic circulation, tree preservation, can lead to nuisance situations such as abandoned property and graffiti. When properly regulated, textile recycling collection bins can provide a cost-effective and convenient method of textile recycling, thereby reducing waste; and

WHEREAS, the Town finds it necessary to set forth the conditions under which textile recycling collection bins may be placed on public and private property and to provide minimum standards as to how they are operated and maintained, as necessary to protect the public health, safety and welfare; and

WHEREAS, at a public hearing on December 10, 2014, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law; and

WHEREAS, the Town Council finds that this Ordinance is necessary for the preservation of the public health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council has held two advertised public hearings in accordance with Florida Statutes; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens and residents of the Town of Davie to adopt the proposed amendments to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. The Town of Davie Code of Ordinances, Chapter 12, Land Development Code, is hereby amended as set forth in Exhibit "A".

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2015

PASSED ON SECOND READING THIS ____ DAY OF _____, 2015

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2015

EXHIBIT “A”

12-33(KK). Textile Recycling, Textile Recycling Collection Bins.

(1) Purpose and Intent.

Unlike other recyclables, such as bottles, cans and paper, textiles have not typically been collected through regularly scheduled household pick-ups but instead have been collected through donations to thrift stores (both for-profit and not-for-profit) or to charitable organizations, often by way of unsupervised textile recycling collection bins placed throughout the community. If not properly regulated, textile recycling operations and textile recycling collection bins can conflict with parking, traffic circulation, tree preservation, can lead to nuisance situations such as abandoned property and graffiti. When properly regulated, textile recycling collection bins can provide a cost-effective and convenient method of textile recycling, thereby reducing waste. The purpose of this paragraph (KK) is to set forth the conditions under which textile recycling collection bins may be placed on public and private property and to provide minimum standards as to how they are operated and maintained, as necessary to protect the public health, safety and welfare.

(2) Definitions

For purposes of this paragraph (KK), *textile recycling collection bin* means a self-service container designed to allow members of the general public deposit used textile items such as shoes, clothing, linens and draperies.

For purposes of this paragraph (KK), *textile recycling collection* means the gathering and transportation of deposited textile items such as shoes, clothing, linens and draperies either for the purpose of resale or re-use for other purposes.

(3) In general.

- a. Authorized textile recycling collection bins. No person shall place or maintain a textile recycling collection bin within the Town of Davie except in conformance with this paragraph (KK) and as authorized through a franchise agreement in accordance with the Town Charter.
- b. Collection from stationary vehicles. Collection of textiles for recycling from a stationary vehicle is prohibited within the Town of Davie except as authorized through a franchise agreement in accordance with the Town Charter. This is not intended to prohibit textile recycling collections taken directly from homes, businesses or institutions, whether through regularly scheduled or pick-ups or through pick-ups based on special request of the donor.

(4) Placement, operation and maintenance of textile recycling collection bins.

Unless otherwise provided by the Town through a franchise agreement, textile recycling collection bins (Bins) shall be governed as follows:

- a. Bins shall be placed only on:
 - (i) Town-owned property, excluding public rights-of-way, on parcels approved by the Town the either though a franchise agreement or by resolution; or
 - (ii) Developed parcels zoned and approved for commercial retail, industrial, institutional or education use, with the written permission of the property owner.
- b. Bins shall be placed in such a manner as not to impair traffic, pedestrian or emergency service vehicle movement within the site and which does not negatively affect protected trees or utility services. The placement of textile recycling collection bins shall not require site plan approval unless such placement would be inconsistent with site plan conditions imposed by the Town Council.
- c. Bins shall be no larger than seven (7) feet in any dimension.
- d. Bins shall be placed no less than 500 feet from any other Bin unless located at least two hundred 200 feet from any public street right-of-way and not readily visible from any residential use. In no case shall more than four (4) Bins be placed on a single parcel.
- e. Bins shall not be located within twenty five (25) feet of any a public street right of way.
- f. Bins shall be constructed of steel with a rust-resistant coating and weigh at least 500 pounds empty.
- g. Each Bin shall provide the name, address and telephone number of the franchisee in weather-resistant lettering no smaller than one (1) inch high. Bins shall contain no advertising other than as related to the franchised textile recycling collection organization or business.
- h. Bins shall be painted a uniform, approved color, maintained in good appearance, and be emptied no less than once per 14 days.

- i. The franchisee shall be responsible for ensuring that the area within twenty (20) feet of any bin shall be kept free of trash, debris and discarded items.
- (5) Implementation. The provisions of this paragraph 12-33 (KK) shall take effect on January 22, 2015. Bins or stationary vehicles, trucks, wagons or similar vehicles placed, operated or maintained in violation of Section 12-33 (KK)(3) prior to January 22, 2015 shall be removed or brought into compliance no later than March 8, 2015.